



The Chrysler Building
405 Lexington Avenue, NY, NY 10174-1299
Tel: 212.554.7800 Fax: 212.554.7700
www.mosessinger.com

Michael Rosenberg
Direct Dial: 212.554.7879
E-Mail: mrosenberg@mosessinger.com

August 27, 2019

VIA ECF

Magistrate Judge James Orenstein
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Courtroom 11D

**Re: Scripts Wholesale, Inc. and Leib Pharmacy Inc. v. Mainspring Distribution LLC and Edvin Ovasapyan,
Case No. 1:18-cv-06612-DLI-JO**

Dear Magistrate Judge Orenstein:

On behalf of Defendants Mainspring Distribution LLC (“Mainspring”) and Edvin Ovasapyan (“Mr. Ovasapyan”), we respectfully request a final extension of 30 days to conclude discovery, and an adjournment of the pre-trial conference scheduled for September 12, 2019.

On Friday, August 23, 2019, Defendants received approximately seven thousand pages of documents responsive to Defendants’ document requests, following the Court’s August 2, 2019 Order (ECF No. 43) granting Defendants’ motion to compel with respect to their affirmative defenses of illegality, unclean hands, and *in pari delicto*. On Monday, August 26, 2019, Plaintiffs produced additional material. Plaintiffs’ production covers a wide range of material spanning the parties’ entire relationship, including but not limited to invoices, “pedigrees,” e-mails, and other communications.¹ Defendants are still awaiting Plaintiffs’ supplementary interrogatory responses, and responses to a third-party subpoena issued on August 14, 2019.

¹ However, Defendants note that Plaintiffs have conspicuously redacted several hundred text messages between Plaintiff and representatives of Nashville Pharmacy Services (Plaintiffs’ buyer), including messages from the time period specified in the Complaint. These communications are not listed on the privilege log provided by Plaintiffs. When asked why the material was redacted, Plaintiffs asserted that “[w]e are re-reviewing those communications to ensure that the redacted portions pertain only to matters which do not involve products supplied by Mainspring.” Defendants believe they are entitled to review these communications in their entirety, and if necessary, will seek relief from the Court to obtain them in unredacted form.



August 27, 2019

Page 2

Defendants believe that a full analysis of this material will take time, and may require expert disclosure under Rule 26 of the Federal Rules of Civil Procedure. As such, given the size and timing of Plaintiffs' production, as well as the upcoming holiday, Defendants respectfully request a 30-day extension to complete discovery, and a corresponding adjournment of the pre-trial conference scheduled for September 12, 2019. Plaintiffs have indicated to Defendants that they take no position as to this request.

Respectfully submitted,

/s/ Michael Rosenberg

Michael Rosenberg

cc: Michael Korsinsky, Esq. (via ECF)
Adam Birnbaum, Esq. (via ECF)